In the High Court of Uttaranchal, at Nainital.

Stay Application No. 1906/2006

with

Criminal W.P. No. 192(M/B)/2006

Babuuddin S/o Puttan Mian
R/o Gram Pradhan Gram Panchayat
Ummarukhurd Block Khatima,
Islam Nagar Khatima, District
U.S. Nagar --- Petitioner.

Versus

State of Uttaranchal and two others ------ Respondents.

Sri Tumul Nainwal, learned counsel for the petitioner.

Sri D.K.Sharma, learned G.A. for the State.

Coram: Hon'ble M.M.Ghildiyal, J.

Hon'ble B.C. Kandpal, J.

Dated: 27-02-2006

This writ petition has been filed for issue or a writ in the nature of certiorari for quashing the first information report dated 13.2.2006 (Annexure No. 1 to the writ petition) under Sections 147, 148, 307, 323, 352 and 506 I.P.C. registered as case crime No. 784-A of 2006 at P.S. Khatima.

2- Heard Sri Tumul Nainwal, learned counsel for the petitioner and Sri D.K.Sharma, learned G.A. and perused the record.

3- We are of the view that a prima facie case, on the basis of the first information report, is made out. We are not supposed to embark upon an inquiry with regard to the reliability of the evidence, where the evidence is incomplete and hazy. The writ petition lacks merit and is liable to be dismissed.

4- Accordingly the writ petition is dismissed.

5- However, in case if the petitioner applied for bail before the court below, the same shall be disposed of expeditiously.

(B.C.Kandpal, J.) **(M.M. Ghildiyal, J.)**

ISB